

**REQUEST FOR CITY COUNCIL CONSIDERATION**

Meeting Date: January 4, 2021

Agenda Item: 5C	Prepared by: L. Suzanne Pritchard, PLA, AICP
Agenda Section: Consent: Ordinance. Second Reading	Date: December 2, 2020
Subject: Petition for annexation and zoning designation for 0.78 Acres on Little River Neck Road	Division: Planning & Development

**Background:**

John Dukes, authorized agent for the owner, has petitioned the City of North Myrtle Beach to annex approximately 0.78 acres of property located on Little River Neck Road identified by PIN 351-05-01-0017. The petition also reflects the requested City of North Myrtle Beach zoning district of Single-Family Residential Low-Density (R-1). The subject area is identified as Conservation Community on the Future Land Use Map; the proposed zoning designation, R-1, best serves the goals of the plan given the nature of this infill development.

**Existing Conditions:**

The subject property area is contiguous to the corporate boundary of the City of North Myrtle Beach and is zoned Commercial Forest Agriculture (CFA) under Horry County jurisdiction. Located on Little River Neck Road, the parcel is currently unoccupied and undeveloped. Surrounding parcels within City limits are zoned Single-Family Residential Low-Density (R-1) and Planned Development District (PDD) within the Tidewater Plantation PDD; adjacent unincorporated county parcels are zoned CFA. Upon annexation, the parcel would be designated R-1 as per Exhibit A: Zoning Map (Z-20-15), prepared by the City of North Myrtle Beach Planning & Development Department depicting the annexation boundary. A proposed ordinance has been attached for Council's review.

**Planning Commission Action:**

The Planning Commission conducted a public hearing on November 17<sup>th</sup> and voted unanimously to recommend approval of the annexation and zoning designation, citing b, to correct an original mistake or manifest error in the regulations or map. There was no public comment.

**Recommended Action:**

Approve the proposed ordinance on second reading

Reviewed by Division Head

Reviewed by City Manager

Reviewed by City Attorney

Council Action:

Motion By \_\_\_\_\_ 2<sup>nd</sup> By \_\_\_\_\_ To \_\_\_\_\_

**ORDINANCE**

**AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH  
ANNEXING 0.78 ACRES IDENTIFIED AS PIN 351-05-01-0017.**

**WHEREAS**, John Dukes, authorized agent for the property owner, has petitioned the City of North Myrtle Beach for annexation of 0.78 acres consisting of the following parcel PIN 351-05-01-0017 as referenced on Exhibit A: Zoning Map (Z-20-15), prepared by the City of North Myrtle Beach Planning & Development Department depicting the annexation boundary, which is attached hereto and incorporated herein by reference; and

**WHEREAS**, the North Myrtle Beach Planning Commission has provided the required public notice of this request and has held all necessary public hearings in accordance with applicable State Statutes and City Ordinances; and

**WHEREAS**, the City Council has received a report from the Planning Commission recommending the subject property be zoned Single-Family Residential Low-Density (R-1) upon annexation; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of North Myrtle Beach, South Carolina, in Council duly assembled:

**Section 1. Annexation.** That parcel identified by PIN 351-05-01-0017 (the “Annexed Parcel”), consisting of approximately 0.78 acres and depicted on Exhibit A, and all contiguous portions of all public rights-of-way, streets, and highways are hereby annexed pursuant to Sections 5-3-150 and 5-3-240 of the Code of Laws of South Carolina, 1976, as amended.

**Section 2. Zoning Designation.** The Annexed Parcels are hereby designated and zoned as Single-Family Residential Low-Density (R-1).

DONE, RATIFIED AND PASSED, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
Mayor Marilyn Hatley

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

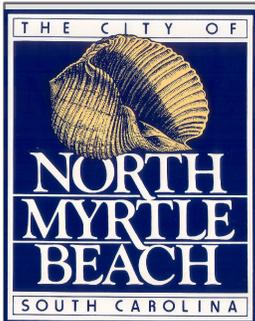
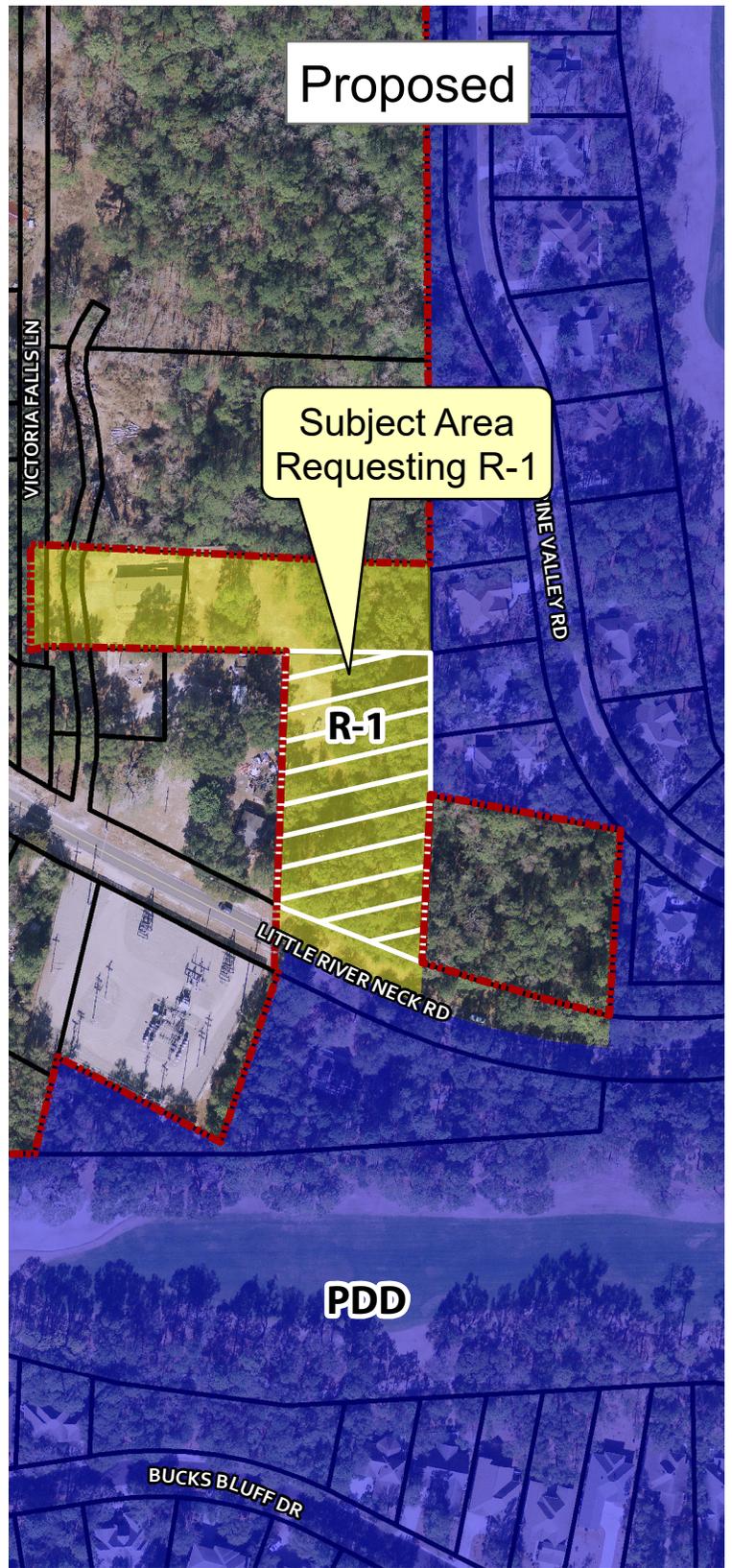
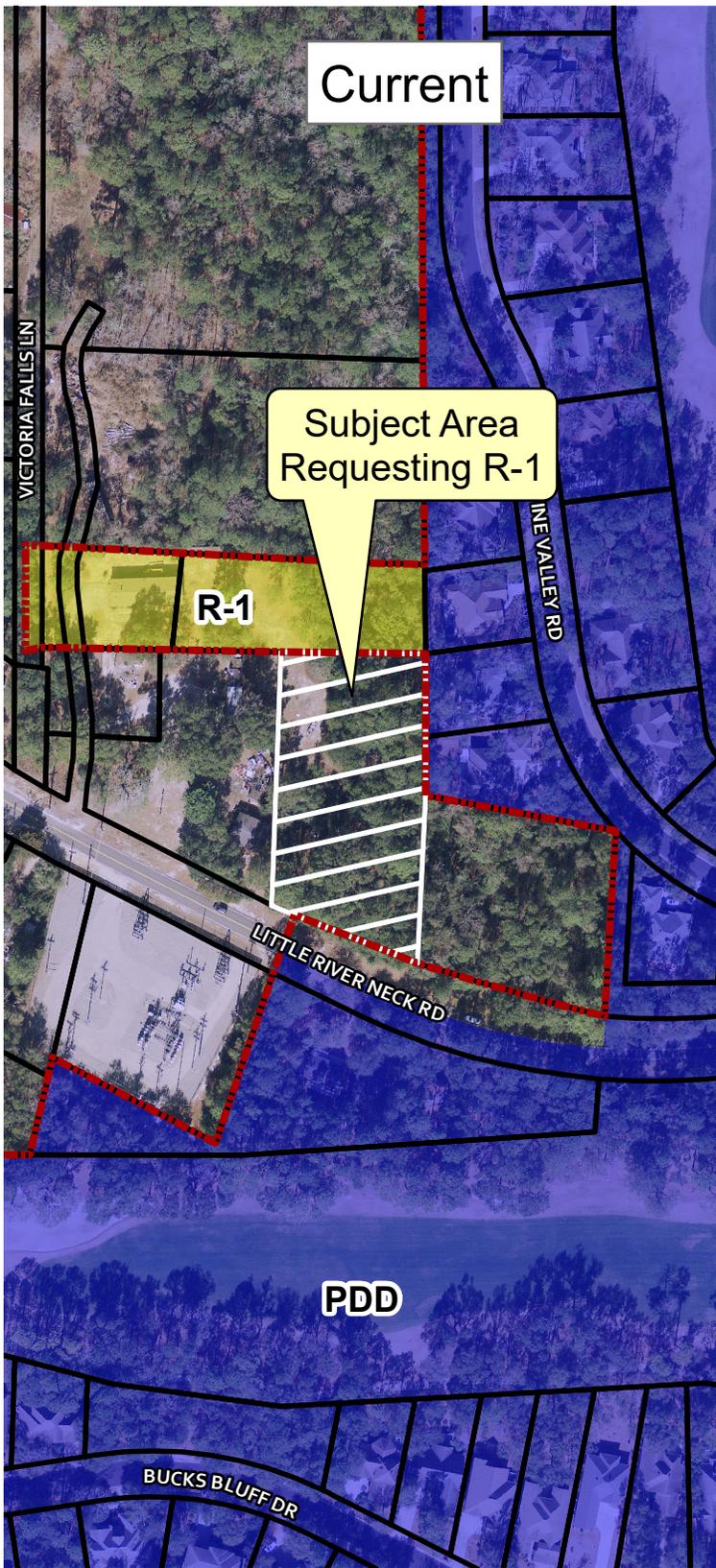
\_\_\_\_\_  
City Attorney

REVIEWED:

\_\_\_\_\_  
City Manager

FIRST READING: 12-7-2020  
SECOND READING: 1-4-2021

ORDINANCE: 20-37



Legend

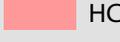
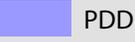
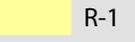
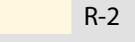
-  Subject Area
-  North Myrtle City Limits
-  BC
-  HC
-  PDD
-  R-1
-  R-2

Exhibit A: Zoning Map (Z-20-15)



**7B. ANNEXATION & ZONING DESIGNATION Z-20-15:** City staff has received a petition to annex lands on Little River Neck Road totaling approximately 0.78 acres and identified by PIN 351-05-01-0017. The lot is currently unincorporated and zoned Commercial Forest Agriculture (CFA) by Horry County. The petition also reflects the requested City of North Myrtle Beach zoning district of Single-Family Residential Low-Density (R-1) and will be heard concurrently.

**Existing Conditions and Surrounding Land Uses:**

The subject property area is contiguous to the corporate boundary of the City of North Myrtle Beach and is zoned Commercial Forest Agriculture (CFA) under Horry County jurisdiction. Located on Little River Neck Road, the parcel is currently unoccupied and vacant. Surrounding parcels within City limits are zoned Single-Family Residential Low-Density (R-1) and Planned Development District (PDD) within the Tidewater Plantation PDD; adjacent unincorporated county parcels are zoned CFA.

**Planning Commission Action:**

As per the Zoning Ordinance Section 23-4, *Amendments*, the Planning Commission shall prepare a report and make recommendations on any proposed amendment to the North Myrtle Beach Zoning Ordinance, including the Zoning Map, stating its findings and its evaluation of the request. In making its report, the Commission shall consider the following factors:

- a) The relationship of the request to the Comprehensive Plan:

*The Future Land Use map contained in the 2018 Comprehensive Plan recommends Conservation Community as the land use class for the subject area. There are no permitted or explicitly defined land uses for this land use class. There are no recommended primary or secondary zoning districts for this land use class; the plan refers to a future zoning district that has not yet been created.*

The proposed zoning designation, R-1, is not a primary or secondary recommended zoning district within the Compliance Index for the subject property.

- b) Whether the request violates or supports the Plan:

*Chapter 5, "The Way We Grow," of the 2018 Comprehensive Plan identifies the Conservation Community future land use classification as follows: This classification is intended to provide an alternative type of development that preserves undisturbed natural areas, creates common open spaces, and has a light impact on the environment. It is ideally applied to undeveloped greenfield land that may be adjacent to sensitive environmental areas like wetlands and waterways.*

The proposed R-1 zoning is inconsistent with the Conservation Community land use classification found in the *2018 Comprehensive Plan*. However, as the least intense zoning district, this district best serves the goals of the plan given the current conditions.

- c) Whether the uses permitted by the proposed change would be appropriate in the area concerned:

*The purpose of the R-1 zoning district is, "To preserve and protect the character of existing neighborhoods and subdivisions, and to prohibit any uses which would compromise or alter existing conditions and uses. Also, these districts are intended to encourage residential infilling and expansion of existing neighborhoods and subdivisions. Development land uses permitted in each are designed to reflect existing conditions and enhance the prospects of 'lie development.'"*

The uses permitted in the R-1 district would be appropriate in the area.

- d) Whether adequate public-school facilities, roads and other public services exist or can be provided to serve the needs of the development likely to take place as a result of such change, and the consequence of such change:

*Current public rights-of-way serve this area via Little River Neck Road. Driveway subject to City review and SCDOT encroachment permit approval.*

- e) Whether the proposed change is in accord with any existing or proposed plans for providing public water supply and sanitary sewer to the area:

*Gravity sewer stops short 200' from property, but the city would consider extending this line for a single-family house. Water is available upon payment of required impact fees.*

As a matter of policy, no request to change the text of the ordinance or the map shall be acted upon favorably, except:

- (a) Where necessary to implement the comprehensive plan, or
- (b) To correct an original mistake or manifest error in the regulations or map, or
- (c) To recognize substantial change or changing conditions or circumstances in a particular locality, or
- (d) To recognize changes in technology, the style of living, or manner of doing business.

This petition for annexation and zoning designation is presented to the Planning Commission for a recommendation that will be forwarded to City Council at their next meeting scheduled for December 7, 2020. Should the Planning Commission desire to forward a positive recommendation to City Council, one of the aforementioned reasons should be included in the report.

**Staff Review:**

*Planning and Development, Planning Division*

The Planning Division has no issue with the proposed petition for annexation and zoning. Staff would like to note that given that there is residential development surrounding this parcel, it is not a typical greenfield. Staff fully supports the requested R-1 zoning as residential infill development.

*Planning and Development, Zoning Division*

The Zoning Administrator has no issue with the proposed petition for annexation and zoning.

*Public Works*

The City Engineer has no issue with the proposed petition for annexation and zoning.

*Public Safety*

The Fire Marshall has no issue with the proposed petition for annexation and zoning.

*Legal*

The City Attorney has no issue with the proposed petition for annexation and zoning.

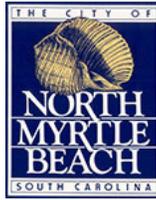
**Planning Commission Action**

The Planning Commission may recommend approval, recommend approval with modifications and/or conditions; or recommend denial of the proposal, as submitted.

**Alternative Motions**

- 1) I move that the Planning Commission recommend approval of the annexation and zoning petition [Z-20-15] as submitted.  
OR
- 2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-20-15] as submitted.  
OR
- 3) I move (an alternate motion).

FILE NUMBER:	Z-20-15
Complete Submittal Date:	October 14, 2020



Notice Published:	October 29, 2020
Planning Commission:	November 17, 2020
First Reading:	December 7, 2020
Second Reading:	January 4, 2021

**City of North Myrtle Beach, SC**

**Petition for Annexation & Zoning**

**GENERAL INFORMATION**

<b>Date of Request:</b> October 14, 2020	<b>Property PIN(S):</b> 35105010017
<b>Property Owner(s):</b> Candace Ann Spataro, James L Wright	<b>Type of Zoning Map Amendment:</b> Petition for Annexation and Zoning
<b>Address or Location:</b> Little River Neck Rd	<b>Project Contact:</b> John Dukes
<b>Contact Phone Number:</b> 8282172084	<b>Contact Email Address:</b> curtisdukes12@gmail.com
<b>Current County Zoning:</b> CFA	<b>Proposed Zoning:</b> R-1
<b>Total Area of Property:</b> 0.78 Acres	<b>Approximate Population of Area to be Annexed:</b> 2

**RECORDED COVENANT INFORMATION**

I hereby certify that the tract(s) or parcel(s) of land to which this approval request pertains is not restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity for which approval is sought, as provided in South Carolina Code of Laws (§ 6-29-1145).

*Applicant's E-signature: John C. Dukes*

This form complies with a state law that took effect on July 1, 2007 (S.C. Code § 6-29-1145) that requires all planning agencies to inquire in an application for a permit if the parcel of land is restricted by a recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity. If such a covenant exists, the agency shall not issue the permit until written confirmation of its release is received. The release must be through the action of an appropriate legal authority.



**CITY OF NORTH MYRTLE BEACH**  
**LETTER OF AGENCY**

Revision Date 12.20.16

Today's Date: October 9, 2020

Nature of Approval Requested: Annexation & Zoning

Property PIN and Tax Map Number, if applicable: 35105010017

Property Location: Little River Neck Rd, North Myrtle Beach, SC 29582

I, Candace Ann Spataro, hereby authorize John Curtis Dukes - Blue Strand Real Estate Group

to act as agent for Candace Ann Spataro for the purposes of the above referenced approval.

Candace Ann Spataro  
Signature

October 9, 2020  
Date

Owner of Property  
Title

35105010017,

PREPARED BY:  
Dunes Law Firm, P.A.  
P.O. Box 70187  
Myrtle Beach, SC 29572  
File No: 20-2933

PREPARED WITHOUT EXAMINATION OF TITLE

STATE OF SOUTH CAROLINA

GENERAL WARRANTY DEED

COUNTY OF HORRY

KNOW ALL MEN BY THESE PRESENTS, that **J & R Properties of NMB, LLC, a South Carolina limited liability company** (the "Grantor"), in consideration of the sum of EIGHTY TWO THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$82,500.00) paid to Grantor by James L. Wright and Candace A. Spataro (receipt whereof is hereby acknowledged), has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release, subject to the easements, restrictions, reservations and conditions set forth below unto **Candace A. Spataro** (the "Grantee"), the Grantee's heirs and assigns forever in fee simple, the following described property to wit:

All and singular, all that certain piece, parcel or tract of land, situate, lying and being in Little River Neck, Little River Township, State and County aforesaid, and more particularly described as follows:

Begins at an iron stake on the North side of Little River Neck Road (Highway No. 236), and which stake is the Southwest corner of the old schoolhouse lot; Runs thence with the said road, as it curves, a chord measurement South 83°—29' West 108.3 feet to an iron stake; thence the other lands now or formerly of Clayton Williams, Jr., North 29 Degrees-04' West 319.27 feet to an iron stake in the line of a lot formerly granted to Bernie & Joyce Simpson; thence with that line, North 61°-00' East 100 feet to an iron stake in the H. L. Tilghman line; thence with the said line and the old schoolhouse lot line, South 29°—04' East 360.7 feet to the beginning. Bounded on the North by a lot formerly owned by Bernie & Joyce Simpson; on the East by land formerly owned by the H. L. Tilghman estate and the old schoolhouse lot; on the South by Little River Neck Road, and on the West by other land now or formerly or Clayton Williams, Jr.

The property herein conveyed contains 0.78 acre and is shown on a map dated November 4, 1988 by C. B. Berry, R.L.S., a copy of which is attached and made a part of that certain deed recorded in Deed Book 1275, Page 743, Horry County Register of Deeds Office.

This property is subject to all easements and restrictive covenants of record.

PIN No. 351-05-01-0017

DERIVATION: This being the identical property conveyed to J & R Properties of NMB, LLC by deed of Dana Gondek recorded April 23, 2019 in Deed Book 4201 at Page 243, Horry County Register of Deeds Office.

PROPERTY ADDRESS: 0.78 Little River Neck Road (TBD), North Myrtle Beach, SC 29582

GRANTEE MAILING ADDRESS: 289 Lake Mist Ct. Longs, SC 29568

TOGETHER with, subject to the above exceptions, all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, subject to the above exceptions, all and singular the premises before mentioned unto the Grantee, as tenants in common, the Grantee's heirs and assigns forever in fee simple.

AND the Grantor hereby binds the Grantor, the Grantor's successors or assigns, to warrant and forever defend all and singular the said premises unto the Grantee, the Grantee's heirs and assigns, against Grantor and the Grantor's successors or assigns, and all persons whomsoever lawfully claiming, or to claim the same, or any part thereof.

[THE REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY]

WITNESS the execution hereof by the Grantor this 9<sup>th</sup> day of October, 2020.

J & R Properties of NMB, LLC, a South Carolina Limited Liability Company

By: [Signature]  
Jerred M. Roberts, Member

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:  
[Signature]  
1st witness sign  
[Signature]  
2nd witness or notary sign

STATE OF SOUTH CAROLINA  
COUNTY OF HORRY

ACKNOWLEDGEMENT

I, a Notary Public, do hereby certify that the within Jerred M. Roberts, Member of J & R Properties of NMB, LLC, personally came before me this day and acknowledged that the foregoing instrument was executed by him.

WITNESS my hand and official seal this 9<sup>th</sup> day of October, 2020.

[Signature]  
Print Name THOMAS STANLEY  
Notary Public for South Carolina  
My Commission Expires: 7/12/26

THOMAS C. STANLEY  
Notary Public  
State of South Carolina  
Commission Expires July 12, 2026

{Affix Notary Seal}

STATE OF SOUTH CAROLINA

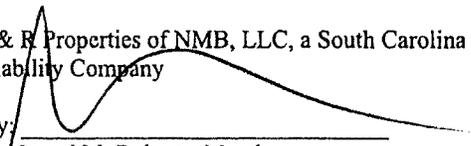
**AFFIDAVIT**

COUNTY OF HORRY

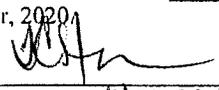
PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and understand such information.
2. The property located at 0.78 Little River Neck Road (TBD), North Myrtle Beach, SC 29582, bearing Horry County PIN 351-05-01-0017, was transferred by J & R Properties of NMB, LLC to Candace A. Spataro on October \_\_\_\_, 2020.
3. The Deed is (Check one):
  - (a)  subject to the deed recording fee as a transfer for consideration paid or to be paid in money or in money's worth: 82,500.00.
  - (b) \_\_\_ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and an owner of the entity, or in a transfer to a trust or as a distribution to a trust beneficiary.
  - (c) \_\_\_ exempt from the deed recording fee because (see information section of Affidavit): \_\_\_\_\_ (if exempt, skip to item 8).
4. Check one of the following if either item 3(a) or item 3(b) above has been checked:
  - (a)  the fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$82,500.00.
  - (b) \_\_\_ the fee is computed on the fair market value of the realty, which is \$ \_\_\_\_\_.
  - (c) \_\_\_ the fee is computed on the fair market value of the realty as established for property tax purposes which is \$ \_\_\_\_\_.
5. Check Yes \_\_\_ or No  to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained after the transfer. If "Yes", the outstanding balance is \$ \_\_\_\_\_.
6. The Deed recording fee is computed as follows:
  - (a) Place the amount listed in item 4 above here: \$82,500.00
  - (b) Place the amount listed in item 5 above here: \$0.00
  - (c) Subtract Line 6(b) from Line 6(a) and place result here: \$82,500.00
7. The Deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$305.25
8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Grantor.
9. I further understand that a person required to furnish this Affidavit who willfully furnishes a false or fraudulent Affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than One Thousand Dollars or imprisoned not more than one year, or both.

J & R Properties of NMB, LLC, a South Carolina Limited Liability Company

By:   
Jerred M. Roberts, Member

SWORN to before me this 9<sup>th</sup> day of October, 2020.

  
Print Name THOMAS STANLEY  
Notary Public for South Carolina  
My Commission Expires: 7/12/26

THOMAS C. STANLEY  
Notary Public  
State of South Carolina  
Commission Expires July 12, 2026

{Affix Notary Seal}

**HORRY COUNTY REGISTER OF DEEDS  
TRANSMITTAL SHEET**

**TO BE FILED WITH EACH INSTRUMENT PRESENTED ELECTRONICALLY FOR RECORDING.  
HORRY COUNTY REGISTER OF DEEDS, 1301 SECOND AVENUE POST OFFICE BOX 470 , CONWAY ,  
SOUTH CAROLINA 29526**

DOCUMENT TYPE OF INSTRUMENT BEING FILED: Deed

DATE OF INSTRUMENT: .

DOCUMENT SHALL BE RETURNED TO:

NAME: Roy & Casper, LLC

ADDRESS:

10409 N Kings Hwy

Myrtle Beach, SC 29572-5708

TELEPHONE: (843) 663-1200

FAX: (843) 663-1200

E-MAIL ADDRESS: thoward@rclawonline.com

Related Document

(s):

**PURCHASE PRICE / MORTGAGE AMOUNT: \$ 82500.00**

**BRIEF PROPERTY DESCRIPTION: North Side of Little River Neck Road**

**TAX MAP NUMBER (TMS #), / PIN NUMBER: ,**

**GRANTOR / MORTGAGOR / OBLIGOR / MARKER (FROM WHO):**

FULL BUSINESS NAME

1. **J & R PROPERTIES OF NMB, LLC**

**GRANTEE / MORTGAGEE / OBLIGEE (TO WHO):**

LAST NAME

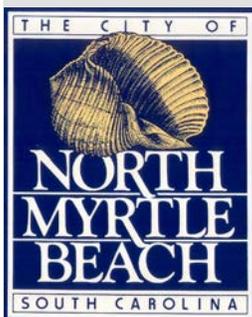
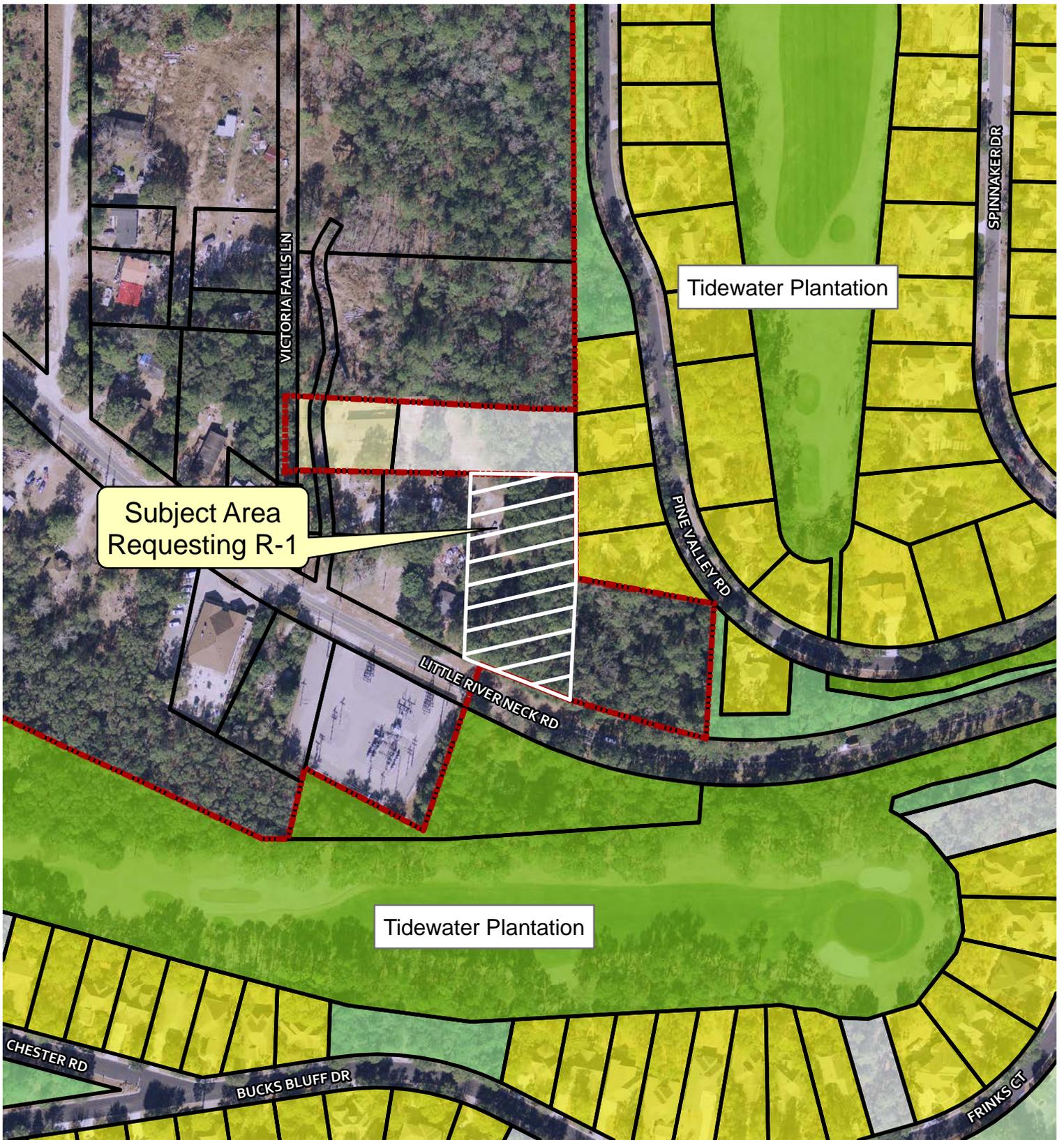
FIRST NAME

MIDDLE NAME

1. **SPATARO**

**CANDACE**

**A.**

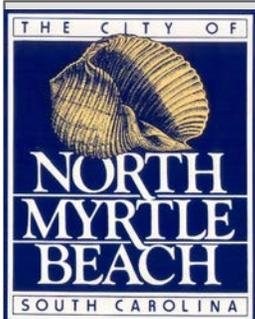
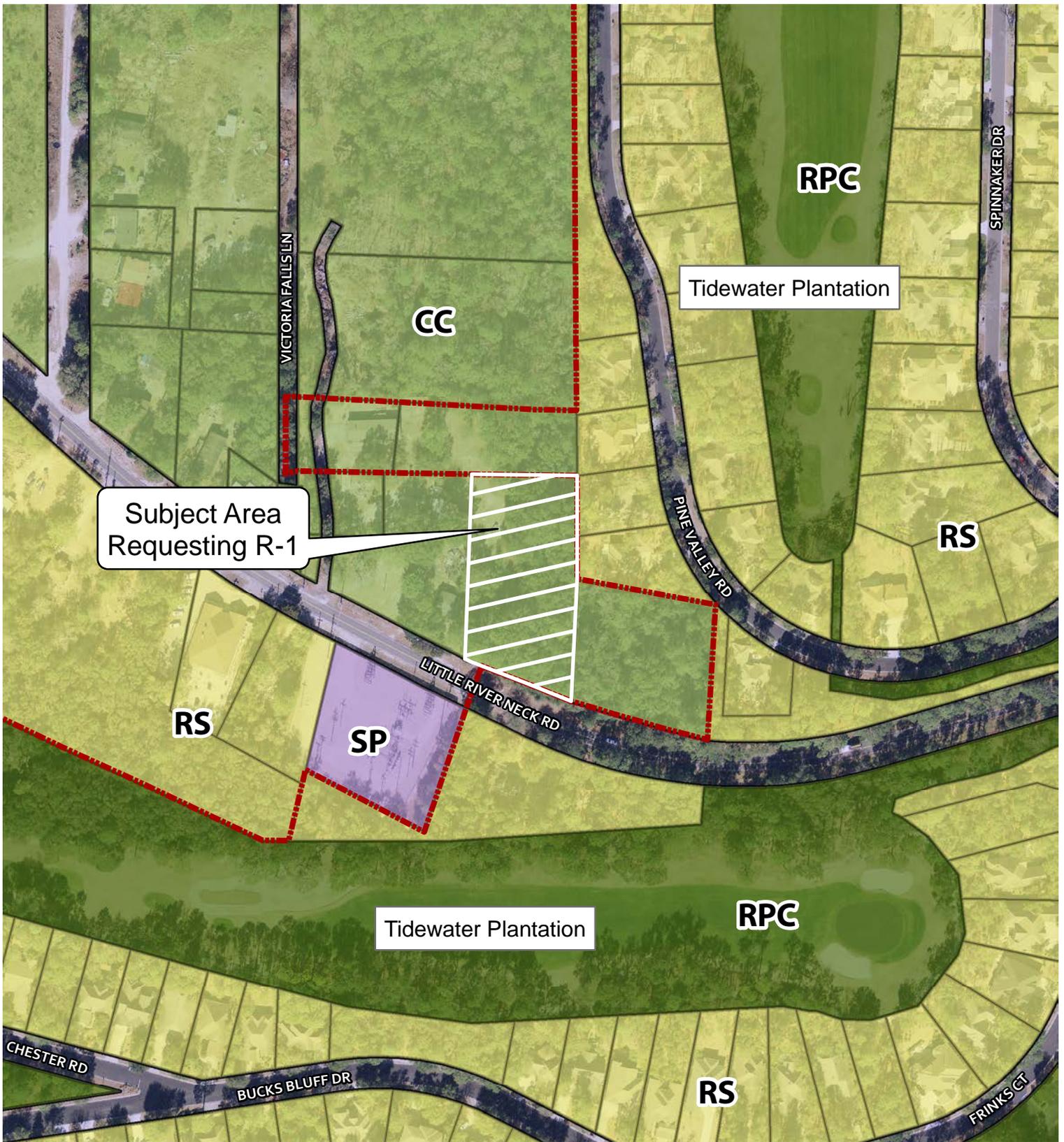


Legend

-  Subject Area
-  Amenity Area
-  Mobile Home
-  North Myrtle City Limits
-  Common Open Space
-  Single-Family
-  Golf Course
-  Vacant
- Existing Land Use

Existing Land Use (Z-20-15)





- Legend**
-  Subject Area
  -  North Myrtle City Limits
  -  Recommended Future Land Use Categories
  -  CC - Conservation Community
  -  RPC - Resource, Protection, Conservation
  -  SP - Service / Production
  -  RS - Residential Suburban

# Future Land Use (Z-20-15)

